

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VISTA HEALTHPLAN, INC., *et al.*,

Plaintiffs,

v.

CEPHALON, INC., *et al.*,

Defendants.

Case No. 2:06-cv-1833 (MSG)
Honorable Mitchell S. Goldberg

**DECLARATION OF ERIC J. MILLER REGARDING
(A) MAILING OF THE NOTICE AND PROOF OF CLAIM AND RELEASE;
(B) PUBLICATION OF SUMMARY NOTICE; AND
(C) FEES AND COSTS INCURRED TO DATE**

I, Eric J. Miller, declare as follows:

1. I am the Senior Vice President of A.B. Data, Ltd.'s Class Action Administration Company ("A.B. Data"), whose corporate office is located in Milwaukee, Wisconsin. My business address is 3507 Kyoto Gardens Drive, Suite 200, Palm Beach Gardens, FL 33410, and my telephone number is 561-336-1801.

2. I submit this Declaration at the request of Class Counsel in connection with the above-referenced action (the "Action"). This Declaration is based upon my personal knowledge and upon information provided by my associates and staff members. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

3. Pursuant to the Court's August 8, 2019 Order (the "Preliminary Order"), A.B. Data was responsible to effectuate notice pursuant to the Proposed Class Action Notice Program (the "Notice Program") approved by the Court. This Declaration details the steps that were taken to implement the notice per the Notice Program, which consisted of the following:

- a. Direct Notice to potential Class Members identified through subpoenas to 25 providers of retail pharmacy services and pharmacy benefits managers, including mail-order pharmacies;
- b. Direct notice to potential members of the Settlement Class identified through the A.G. Provigil Settlement;
- c. Publication notice in national consumer magazines;
- d. Internet banner and newsfeed ads on multiple networks, including social media and targeted websites;
- e. Distributing notice via PR Newswire's US1 Newswire;
- f. Developing and launching a dedicated informational website for the Settlement at ProvigilSettlement.com (the "Settlement Website"); and
- g. Establishing a dedicated toll-free telephone number with an interactive voice response ("IVR") system and live operators.

SUBPOENA STATUS

4. A.B. Data assisted Class Counsel in compiling a list of 25 pharmacies and pharmacy benefits managers ("PBMs") to issue subpoenas requesting the names and addresses of persons who purchased Provigil or modafinil for the purposes of sending out Notice in this Action.

Albertson's/Safeway	Kroger/Ralph's
Bi-Lo/Winn-Dixie	Medimpact
Cardinal Health Pharmacy Services	Meijer
Caremark/CVS/Long's Drugs	OptumRx
Costco	Prime Therapeutics
Express Scripts	Publix
Food Lion	Rite Aid
Giant Eagle	Stater Bros Holdings Inc
Harris Teeter	Sam's Club/Wal Mart
HEB	Target
Humana	University of Southern California

Kaiser Permanente	Walgreen Co
Kmart	

5. Starting on August 13, 2019, Class Counsel began issuing subpoenas to these 25 entities.

6. After the mailing of the subpoenas, Class Counsel and A.B. Data followed up with the pharmacies and PBMs to confirm their receipt of the subpoena and encourage the pharmacies and PBMs to comply with them.

7. As of the date of this Declaration, the pharmacies and PBMs subpoenaed have provided A.B. Data with electronic lists containing in excess of 800,000 names and addresses of potential Class Members. One pharmacy requested sufficient Notice Packets to be provided so they can mail the notice directly. Some entities responded that they did not have any records of potential Class Members or explained why it would not be feasible for them to send names and addresses. Class Counsel and A.B. Data remain focused on getting records from the three remaining pharmacies and PBMs that have not yet responded.

DIRECT MAIL TO CONSUMERS AND TPPS

8. In accordance with the Preliminary Approval Order, A.B. Data was required to commence direct mail notice to potential Consumers and TPP Class Members within fourteen (14) days of the date of the Preliminary Approval Order. Beginning on August 22, 2019, A.B. Data commenced issuance of notice to the consumer names and addresses that were identified in the claim records from administering the A.G. Provigil settlement and potential TPP Class Members included in A.B. Data's TPP Mailing List compiled using membership listings and existing databases from publicly available sources including U.S. Department of Labor Form 5500 filings and the Pharmacy Benefit Management Institute.

PUBLICATION OF THE NOTICE

9. A.B. Data developed and effectuated a notice plan to target potential members of

the Settlement Class who may have paid for all or part of a prescription for Provigil or modafinil during the Class Period. Below is a listing of the national consumer magazines in which the Summary Notice was published and the dates on which it was published in each of them.

Publication	Issue Date
<i>Better Homes and Gardens</i>	November, 2019 (on newsstands Oct. 14)
<i>People</i>	September 30, 2019
<i>Time</i>	September 23, 2019

10. Beginning on September 4, 2019, A.B. Data coordinated internet banner ads and newsfeed ads to appear on websites/networks and social media for 60 days. When clicked, the banners directed potential Class Members to the Settlement's Website. More than 218 million digital impressions were delivered to potential Class Members. The following digital networks were included in the campaign:

- a. Facebook
- b. Google Networks
- c. Google AdWords
- d. YouTube
- e. Pinterest

11. Beginning on September 9, 2019, A.B. effectuated a digital ad campaign on ThinkAdvisor.com/life-health to reach TPPs and other entities that may be potential Class Members.

12. In addition, A.B. Data effectuated the publishing of the Summary Notice on S, 2019, via PR Newswire using the US1 National distribution list.

WEBSITE

13. A.B. Data established the Settlement Website, ProvigilSettlement.com, which includes general information regarding the case and its current status, the claim-, exclusion- and objection-filing deadlines, frequently asked questions and answers, and the date and time of the

Court's Final Approval Hearing. In addition, copies of the Notice, Claim Forms, Settlement Agreements, and Preliminary Approval Order are posted on the Settlement Website and are available for downloading. The Settlement Website also allows potential Class Members the option to file their claim online. The Settlement Website was operational beginning on August 22, 2019, and is accessible 24 hours a day, 7 days a week.

TELEPHONE HELPLINE

14. On or about August 22, 2019, A.B. Data established a case-specific toll-free number, 1-877-241-7503, with an IVR system and live operators, to accommodate potential Class Members with questions about the Settlement. The automated attendant answers the calls and presents callers with a series of choices to respond to basic questions. If callers need further help, they have the option of being transferred to a live operator during business hours.

FEEES AND EXPENSES

15. Attached hereto as Exhibit A and B are copies of A.B. Data's invoices for its work performed through September 30, 2019. These invoices accurately reflect the work A.B. Data has performed with respect to the notice and administration of the Settlements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of October 2019.



Eric J. Miller